IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19986 of 2004

Between:

Tallapalli Chandramouli, S/o.lylaiah,
R/o.Jammikunta Village & Mandal, Karimnagar Dist. rep.by its his son Tallapalli Sridhar.

..... PETITIONER

AND

1 The Dist. Collector and District Magistrate, Karimnagar Dist.
2 The Chief Secretary, Government of Andhra Pradesh,
Secretariat buildings, Hyderabad.
3 The Commissioner, Prohibition and Excise, A.P.Hyderabad.
4 The Prohibition and Excise Superintendent, Karimnagar,

Karimangar Dist.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Habeas Corpus by holding continued detention of Tallapalli Chandramouli son of lylaiah detained under the proceedings of the 1st respondent in Rc.No.C1/4610/2004 dated 26-08-2004 as bad, arbitrary illegal and unconstitutional and produce the petitioner herein before the Hon'ble court and consequently set the detenue at liberty forthwith.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY
Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

Order: (Per Sri BN.J)

The petitioner is the son of one Tallapally Chandramouli, hereinafter referred to as the detenu, who has been detained by an order of detention made under Section 3(1) & (2) read with Section 2(a) & (b) of the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 by the District Magistrate, Kareemnagar.

Counter has been filed and we have heard the learned counsel for the parties.

Various grounds have been taken to attack the order of detention and by an order of this Court dated 29.11.2004, the matter had been referred to a Full Bench along with some other matters. When the matter came up before the Full Bench, learned counsel for the petitioner submitted that he is not going to attack the detention order on the ground, which was the subject matter of reference before the Full Bench; rather he would attack the order of detention on various other grounds. Therefore, this writ petition was directed to be deleted from the batch and accordingly it was listed before us.

One of the grounds urged by the counsel for the petitioner is that the detaining authority did not inform the detenu that he had a right to approach the detaining authority by way of a representation. The grounds of detention as well as the order of detention informed the detenu that he had a right to make a representation against

the order of detention to the Chief Secretary, Government of A.P. This Court has consistently held that when the detenu is not informed of his right to make a representation to the detaining authority against the order of detention, that would amount to infraction of rights guaranteed under Article 22 (5) of the Constitution of India. Therefore, on this ground alone, we quash the impugned order of detention and direct that the detenu be released forthwith, if not needed in any other case.

The writ petition is accordingly allowed.

(BILAL NAZKI,J)

Dated: 28..12..2004

(Dr.G.YETHIRAJULU,J)

To

1 The Dist. Collector and District Magistrate, Karimnagar Dist.
2 The Chief Secretary, Government of Andhra Pradesh,
Secretariat buildings, Hyderabad.
3 The Commissioner, Prohibition and Excise, A.P.Hyderabad.
4 The Prohibition and Excise Superintendent, Karimnagar,

Karimangar Dist.

5 2 CCs to the Advocate General, High Court of A.P. Hyderabad (OUT)

6 The Director General of Police, A.P. Hyderabad

7 The Director General of Prisons, A.P. Hyderabad

8 The Deputy Inspector General of Police (Crimes) A.P. Hyderabad

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